

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Andrena Best,)	
)	
Plaintiff,)	C/A No.: 3:05-2119-JFA-JRM
v.)	
)	
South Carolina Department of Mental)	
Health,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court for review of the magistrate judge's report and recommendation dated November 27, 2007, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (D.S.C.).

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

This is an action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.*, and 42 U.S.C. § 1981. On July 25, 2005, plaintiff Andrena Best filed this

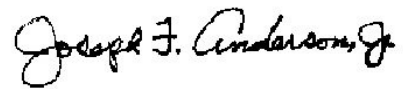
action against her employer, defendant South Carolina Department of Mental Health, alleging discrimination on the basis of race in violation of Title VII and 42 U.S.C. § 1981. On July 25, 2007, defendant filed a motion for summary judgment. Plaintiff did not respond in opposition to the motion. On November 27, 2007, the magistrate judge filed a detailed and comprehensive report and recommendation (“report”) recommending that defendant’s motion for summary judgment be granted.¹ Plaintiff did not file objections to the report.

In light of the standard set out above, after reviewing *de novo* the law and the report and recommendation of the magistrate judge, the court is of the opinion that further oral argument would not aid in the decisional process and that the recommendation of the magistrate judge to grant summary judgment in favor of defendant should not be disturbed. Therefore, the court grants defendant’s motion for summary judgment and dismisses plaintiff’s claims against defendant.

For the foregoing reasons, the report and recommendation of the magistrate judge is incorporated herein by reference, and the defendant’s motion for summary judgment is granted.

IT IS SO ORDERED.

¹ The magistrate alternatively recommends that plaintiff’s claims be dismissed pursuant to Rule 41(b), Fed. R. Civ. Proc., for failure to prosecute. Because the court decides defendant’s summary judgment motion on the merits, it declines to address a Rule 41(b) dismissal.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive style with a large, stylized 'J' and 'A'.

January 11, 2008
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge